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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,519	07/09/2003	Marco Casassa Mont	B-5159 621094-6	1194

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,519	Applicant(s) MONT, MARCO CASASSA	
	Examiner Brandon S. Hoffman	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11-3-03 / 12-4-03 / 4-5-04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS's) submitted on November 3, 2003, December 4, 2003, and April 5, 2004, are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 4-7 are objected to because of the following informalities: Claim 4 says "if the or each validation." Appropriate correction is required. Claims 5-7 are dependent from claim 4 and therefore inherit its deficiencies.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (U.S. Patent No. 6,986,040).

Regarding claims 1, 11, 20-23 and 26, Kramer et al. teaches a method/computer system/apparatus/computer program of validating software code provided to a user entity by a software provider, wherein:

- The user entity encrypts first data, provides it to the software provider, and receives back a valid indication that the code is valid only if the software provider has been able to correctly decrypt the encrypted first data, such decryption only being possible using an appropriate decryption key provided by a party with rights in the software code (fig. 1, ref. num 42, 44, 48, and 50);
- The user entity encrypts the first data using, as encryption parameters, both an encryption key string comprising said software code or a representation thereof, and public data of said party (col. 6, lines 29-33);
- The said appropriate decryption key is provided by said party to the software provider only if the software code provided to the user entity is valid, generation of this key by the party using both private data related to said public data, and the encryption key string or a corresponding reference string based on a reference version of the software code (col. 6, lines 33-48).

Regarding claims 2, 12, and 24, Kramer et al. teaches wherein the first data is a nonce (col. 6, lines 1-11).

Regarding claim 3, Kramer et al. teaches wherein said valid indication that the code is valid is said first data correctly decrypted from the encrypted first data (col. 9, lines 25-50).

Regarding claims 4 and 18, Kramer et al. teaches wherein said party receives the encryption key via the software provider and uses it to carry out at least one validation check of the software code provided to the user entity (col. 6, lines 29-39); the party also using the received encryption key string, together with said private data, to generate the said appropriate decryption key with the proviso that the decryption key is only generated or only provided to the software provider, if each validation check is satisfactory (col. 6, lines 40-48).

Regarding claims 5 and 19, Kramer et al. teaches wherein said at least one validation check comprises at least one of a check on the integrity of the software code or a check on the right of the software provider to provide the software code to the user entity (col. 9, lines 51-67).

Regarding claim 6, Kramer et al. teaches wherein the encryption key string further comprises second data (col. 6, lines 1-11).

Regarding claims 7 and 25, Kramer et al. teaches wherein the second data is at least one of a random number and a time indication (col. 6, lines 1-11).

Regarding claims 8 and 17, Kramer et al. teaches wherein said party is arranged to derive a decryption key using said reference string and said private data, whereby this key only serves as said appropriate decryption key if the software code provided to the user entity is the same as said reference version (col. 6, lines 29-48).

Regarding claims 9 and 15, Kramer et al. teaches wherein the encryption key string further comprises second data, the second data being provided to said party which uses it, together with the reference version of the software code or a representation thereof, to generate the decryption key (col. 6, lines 1-11).

Regarding claims 10 and 16, Kramer et al. teaches wherein the second data is a random number (col. 6, lines 1-11).

Regarding claim 13, Kramer et al. teaches wherein the second computing entity is arranged to operate a web site and to provide said software code via the web site (fig. 1, ref. num 15).

Regarding claim 14, Kramer et al. teaches wherein said party is a software producer (fig. 1, ref. num 20).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon S. Hoffman
BH

NASSER MOAZZAMI
PRIMARY EXAMINER

[Signature]
9, 11, 06